

1631

Rev. 03/19/2003



Attorney Docket No. PP00037.202 (CHIR-045/07US)

PATENT

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By: Yang Tang  
Yang Tang

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of COUSENS et al.

Serial No.: 09/931,216

Examiner: Unassigned

Confirmation No.: 3820

Art Unit: 1631

Filed: August 16, 2001

For: EXPRESSION USING FUSED GENES PROVIDING FOR PROTEIN PRODUCT

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

- ☒ In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
- ☐ In accordance with 37 C.F.R. §1.97(c), also enclosed is:
  - ☐ the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or
  - ☐ a statement as specified in 37 C.F.R. §1.97(e).
- ☐ In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. §1.97(e) and the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are also enclosed.
- ☐ Check No. \_\_\_ in the amount of \$\_\_\_ for the total fee is attached.
- ☒ A return receipt postcard is also enclosed.
- ☐ Please charge \$\_\_\_ to Deposit Account No. (PA) 03-3117 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

Please direct all further written communications in this application to:

Lisa E. Alexander  
Chiron Corporation  
Intellectual Property – R440  
P.O. Box 8097  
Emeryville, CA 94662-8097

Dated: April 8, 2003

Respectfully submitted,  
COOLEY GODWARD LLP

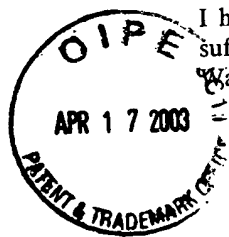
Chiron Corporation  
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P.O. Box 8097  
Emeryville, CA 94662-8097  
Tel: (650) 843-5000  
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By:

Dahna S. Pasternak  
Dahna S. Pasternak  
Reg. No. 41,411

Attorney Docket No. PP00037.202 (CHIR-045/07US)

PATENT



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By: Yang Tang

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Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56,  
Applicant(s) hereby submits the following information in conformance with 37 C.F.R.  
§§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, a copy of publication C1 cited in the attached Form PTO/SB/08 is enclosed.
- ☒ No copies of the publications A1-9, B1-4, C2-6 listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. 08/449,070 to which the above-identified application claims priority under 35 U.S.C. §120.
- ☐ Publication(s) \_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_ application serial no. \_\_\_ and mailed on \_\_\_.
- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).

- ☐ Enclosed is a copy of a non-English publication(s) \_\_\_\_\_. English language publication \_\_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) \_\_\_\_ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) \_\_\_\_ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. \_\_\_\_\_.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☐ before the mailing date of a first office action on the merits; or
- ☒ before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Please direct all further written communications in this application to:

Lisa E. Alexander  
Chiron Corporation  
Intellectual Property – R440  
P.O. Box 8097  
Emeryville, CA 94662-8097

Dated: April 8, 2003


Chiron Corporation  
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Respectfully submitted,  
COOLEY GODWARD LLP

By:

Dahna S. Pasternak  
Dahna S. Pasternak  
Reg. No. 41,411





Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet	1	of	2
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<b>Application Number</b>	09/931,216
<b>Filing Date</b>	August 16, 2001
<b>First Named Inventor</b>	COUSENS
<b>Group Art Unit</b>	1631
<b>Examiner Name</b>	Unassigned
<b>Attorney Docket Number</b>	PP00037.202 (CHIR-045/07US)

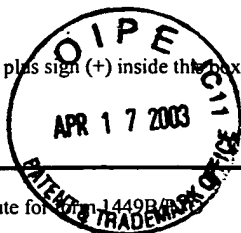
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[illegible]Date  
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PTO/SB/08A (08-00)

Substitute for Form 1449B <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)		<b>Complete if Known</b>	
		Application Number	09/931,216
		Filing Date	August 16, 2001
		First Named Inventor	COUSENS
		Group Art Unit	1631
Examiner Name	Unassigned		
Sheet 2 of 2	Attorney Docket Number		PP00037.202 (CHIR-045/07US)

OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C1	CIECHANOVER et al., "Characterization of the heat-stable polypeptide of the ATP-dependent proteolytic system from reticulocytes," <i>J. Biol. Chem.</i> 255(16):7525-7528, 1980	
	C2	ÖZKAYNAK et al., "The yeast ubiquitin gene: head-to-tail repeats encoding a polyubiquitin precursor protein," <i>Nature</i> 312:663-666, 1984	
	C3	RATNER, "Protein expression in yeast," <i>Biotechnology</i> 7:1129-1133, 1989	
	C4	SHERMAN et al., "Nucleotide sequence and expression of human chromosome 21-encoded superoxide dismutase mRNA," <i>Proc. Natl. Acad. Sci. USA</i> 80:5465-5469, 1983	
	C5	STULL et al., <i>Pharmaceutical Research</i> 12:465-483, 1995	
	C6	TUITE et al., "Regulated high efficiency expression of human interferon-alpha in <i>Saccharomyces cerevisiae</i> ," <i>EMBO Journal</i> 1:603-608, 1982	

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Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number.

<sup>2</sup> Applicant is to place a check mark here if English language Translation attached.